

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 8, 1951
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Absent: None

Present also: Walter E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; G. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

MR. J. R. STUBBS, North Austin Civic Club representative, presented a petition signed by about 1000 citizens, requesting the Council to ask the Southern Union Gas Company to establish Community Bill Pay-Stations in various parts of the city along the same lines as the City Utility Department and the Southwestern Bell Telephone Company. MR. WM. LAWLOR, Vice President of the Southern Union Gas Company, stated the Company was making a study on that matter at the present time, and are trying to work out some contracts.

Pursuant to published notice thereof, public hearing was held on the Zoning applications as follows:

MARVIN B. BRASWELL

5500 Blk. Roosevelt Avenue
5500 Blk. Grover Avenue
1200 Blk. Houston St.

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Zoning Board

MR. PERRY JONES appeared, representing the applicant. He stated that Mr. Braswell had filed on record a restriction on this property limiting the amount of building on it to 40% of the total area, leaving 60% for off-street parking. MR. JACK LINHART, 5410 Aurora Drive appeared in protest to the change of zoning, stating the neighborhood was already built up and there was no need for commercial zoning in any part of it. The Zoning Board had recommended the Change. The Mayor asked that all in favor of upholding the recommendation of the Zoning Board and granting the change to vote "AYE"; those opposed vote "NO". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Nees: None

The Mayor announced that the change had been granted, and the City Attorney was instructed to draw up the necessary ordinance.

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JOSPHINE VISCARDI, by
 A. H. VISCARDI 407-09-11 East 15th St.

From "B" Residence
 To "C" Commercial
 NOT Recommended by the
 Zoning Board of Adjust-
 ment (10-8-51)

MR. A. H. VISCARDI appeared in interest of the request, stating there was a creek running through the middle of the property, and by this reason, it was ruined for residential uses. He wanted to move a small building 18x30 on this property for office building for real estate and insurance purposes. There was a discussion of the drainage of this property. The City Manager stated this was a natural drainage there. Mr. Viscardi stated there was an easement on the rear of Lot 7 for storm sewer drainage, but stagnant water was always present. No action was taken on the zoning request, as the Council wanted to inspect this property personally.

In further discussion of the drainage problem brought out, in which the water drained into the little creek through this property and became stagnant, the City Manager stated work was already being done to correct this situation, which was aggravated by drainage from a filling station nearby.

MR. MAX STARCKE, Chamber of Commerce, asked reconsideration of the annexation program insofar as it was related to the industrial areas. He read a resolution adopted by the Industrial Development Department of the Austin Chamber of Commerce on October 16, 1951, and also adopted at a subsequent meeting of the Board of Directors, and he pointed out the results should the present annexation program go through. MR. C. B. SMITH outlined the history of the Austin Area Economic

Foundation, and pointed out that the work and study of this foundation, and the future planned industry would be jeopardized under the pending program. Other cities had adopted policies whereby the industrial areas adjacent to the city limits were given an opportunity of establishing themselves before being brought into the city for tax purposes, and this type of program has been successful. He cited an individual case of the Ward Body Company who manufactures school bus bodies, which company has just about completed a 50,000 square foot building. A major portion of the Ward Body Company plant will be brought into the city limits and taxed. He thought that prospectors looking over the country for industrial sites would keep this case in mind and not select this area. He asked the Council to consider the work and planning that had been done by the Chamber of Commerce. MR. LESTER E. PALMER, Chairman of the Industrial Committee, asked consideration of this matter by the Council. MR. HUBERT LEE, not connected with the Chamber of Commerce, again asked that a policy be considered by which standards would be fixed whereby people building around the city would know what to expect with regard to annexation, and that the people interested in annexation would be given a voice in the participation of what the policy should be. MR. TRAVIS HOWARD spoke stating he could not find out where the boundaries were. He was referred to the Engineering Department. MR. HARDY HOLLERS, representing the Missouri Pacific Railroad, outlined the amount of money, time, and thought spent by this institution with reference to track frontage for industrial purposes in the City, and the amount of time it took to get the Bergstrom Spur in the hopes of bringing industry into that area. He stated the Railroad was not concerned about the taxes, but it was concerned about obtaining sites along its road to bring industries into communities, and he asked that this 600' strip along the railroad track not be annexed at this time. He stated this $3\frac{1}{2}$ mile strip would freeze industrial development. Mr. Hollers said the Railroad Companies would not bring in any industry that would be detrimental to the City or not be in line with the Industrial Foundation. MR. BROWN ROBBINS asked the Council to consider what the group from the Chamber of Commerce was asking. MR. MALONEY pointed out there was terrific competition in the south and west in trying to get industry into the various areas. Austin has 75 prospects now, and he was afraid this annexation program would scare these prospects away. MR. PEARCE JOHNSON, representing the Capitol Livestock Auction Company, stated the Company did not mind the taxes, but did mind the restrictions, which restrictions would ruin their type of business in the city. He pointed out the amount of money that was brought into central Texas through this Company. He asked that the company be given 10 years to amortize its investment before being brought into the City Limits.

MR. JOE CARRINGTON and MR. JOHN PAYNE appeared in the interest of those desiring to widen Congress Avenue Bridge, and asked permission to stretch two banners across the bridge calling attention to the people that this was a civic problem. The City Manager stated the light poles would not be substantial enough to hold these banners, but that other constructions could be placed there. After discussion further details as to size and wording of the sign and the matter of the group's being financially responsible, Councilman White moved that the City Manager be instructed to make preparation for the sign at the group's expense, and that the sign stay no longer than the time at which the Christmas lights are strung. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

The City Manager stated the lights would be up in about two weeks, and Mr. Payne asked that the sign be erected, taken down, and put up again after the lights are taken down.

Discussion of the request of St. David's Hospital for 10 acres of the Hancock Golf Course area for hospital purposes was held. The Mayor asked for action one way or the other, as this Hospital Board had to appear before the State Health Board, and wanted to know something definite on this matter. Councilman MacCorkle asked for more planning on this area before the Council acted. MR. SILAS MAXWELL asked that no hasty action be taken unless it was to dedicate this tract for park purposes. Councilman Long moved that the request of St. David's Board be denied. The motion, seconded by Councilman White, failed to carry by the following vote:

Ayes: Councilmen Long, White
 Noes: Councilman MacCorkle, Mayor Drake
 Present but not voting: Councilman Johnson

The Mayor stated he would notify Mr. Ronald Byram to look for another site.

The City Manager stated the new Military District had leased the Dahlic Building, and wanted possession on December 1. Temporary location for the Health Department was found on Lavaca, the old Wilmot home, and he recommended to the Council that this location be approved and rented on a monthly basis at \$300.00 per month, until the Department could move on the property that is being obtained for the expansion of the Hospital. Councilman Long moved that the City Manager be instructed to carry out the plans of releasing this lease, and that he go ahead and rent this other property, the old Wilmot House, as recommended. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

Councilman White moved that Section 6, Article 7, of the Charter, be amended to read "a majority of the Council instead of four-fifths", and submitted in the coming Charter Amendment Election. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, MacCorkle, White
 Noes: Councilman Johnson, Mayor Drake

Public Hearing was held on the Southern Union Gas Company's request for increase in gas rates. MR. CLINTON OWSLEY explained how this type of hearing should be held. Mr. Owsley was the consultant for the City. MR. WILLIE LEE, Attorney for the Gas Company, MR. WM. LAWLOR, Vice President, MR. V. A. McELFRESH,

member of the firm of H. ZINDER and ASSOCIATES, consultants for the Gas Company; MR. CLIFFORD BRANDT, also of the H. Zinder Firm, and MR. C. H. ZACHRY, President of the Southern Union Gas Company, all presented testimony in the hearing. Southern Union Gas Company filed ATTACHMENT "B" for the record. The City filed Exhibits No. 1 through 8 for the record. (A complete recording was made of this hearing.)

The Mayor announced the appointment of DR. EDMUND HEINSOHN to the Housing Board, to fill the vacancy caused by the death of SENATOR A. J. WIRTZ.

Councilman Long moved that the City Manager instruct the City Attorney to draft annexation ordinances for consideration of the Council, which would make the following adjustments in the areas included in the ordinances now pending before the Council:

To amend Area No. 1 to exclude annexed territory along the Missouri Pacific and Southern Pacific rights-of-way and to change the boundary lines with regard to the distance from the center line of a highway or street, from 300' to 200'.

To amend Area No. 2, to include a populated area north and east of the present proposed lines, and change any boundary lines with regard to the distance from the centerline of a highway or road, from 300' to 200'.

To amend Area No. 3 to exclude the agriculture and dairy lands, and any boundary line with regard to the distance from the centerline of a highway or road from 300' to 200'.

To amend Area No. 4 to change only the part regarding the boundary line as pertains to the distance from the centerline of a highway or road, from 300' to 200'.

To amend Area No. 5 to include the Colorado School area, Angel Subdivision and populated area and water line extension to the west, and the boundary line with reference to the distance from the centerline of any road or highway from 300' to 200'.

Area No. 7 remains the same.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson (on everything except Area No. 5) Long, MacCorkle, White, Mayor Drake
Noes: Councilman Johnson on Area No. 5 only.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that in order to adequately serve the needs of the people of the City of Austin for hospital services, it is necessary to expand, extend and improve the facilities of Brackenridge Hospital; and

WHEREAS, the City Council has determined as a fact that Block 167 of the Original City of Austin which is adjacent to the Brackenridge Hospital Block is suitable and is needed for such expansion, extension and improvement of Brackenridge Hospital; and

WHEREAS, it appears that the City of Austin, through its duly authorized representatives, has negotiated with the owner of Lot 5 and the east 23 feet of Lot 6 of Block 167, of the Original City of Austin, and has failed to agree with said owner on the market value of said Lot 5 and the east 23 feet of Lot 6; and

WHEREAS, the City Council now finds as a matter of fact that it is necessary for the City of Austin to acquire said Lot 5 and the east 23 feet of Lot 6 of Block 167 through the exercise of the power of eminent domain; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title to Lot 5 and the east 23 feet of Lot 6 of Block 167 of the Original City of Austin.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that in order to adequately serve the needs of the people of the City of Austin for hospital services, it is necessary to expand, extend, and improve the facilities of Brackenridge Hospital; and

WHEREAS, the City Council has determined as a fact that Block 167 of the Original City of Austin which is adjacent to the Brackenridge Hospital block is suitable and is needed for such expansion, extension and improvement of Brackenridge Hospital; and

WHEREAS, it appears that the City of Austin, through its duly authorized representatives, has negotiated with the owner of the north 66.9 feet of

Lots 3 and 4, of Block 167, of the Original City of Austin, and has failed to agree with said owner on the market value of said north 66.9 feet of Lots 3 and 4; and

WHEREAS, the City Council now finds as a matter of fact that it is necessary for the City of Austin to acquire said north 66.9 feet of Lots 3 and 4 of Block 167 through the exercise of the power of eminent domain; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title to the north 66.9 feet of Lots 3 and 4 of Block 167 of the Original City of Austin.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that in the operation of the electric light and power plant and system of the City of Austin, it is necessary to extend an electric distribution line across the land hereinafter described; and

WHEREAS, it appears that the City of Austin, through its duly authorized representatives, has negotiated with the owner of said land and has failed to agree with said owner on the market value of an easement across said land; and,

WHEREAS, the City Council now finds that it is necessary for the City of Austin to acquire said easement through the exercise of the power of eminent domain; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all the owners and lienholders, a suit in eminent domain to acquire an easement for an electric distribution line in, on and across the following strip of land;

A part of that certain tract of land situated in the John Applegate (58) Survey, and described in a deed from Sophie Wendlandt to Henry Wendlandt dated 31 December 1942, and appearing of record in Volume 709 at page 369 of the Deed Records of Travis County, Texas, such part being a strip of land 30 feet in width, the centerline of which is described as follows:

BEGINNING at a point in the east line of the tract of

land described in the deed above referred to, this line also being the west line of the 15.8 acre W. H. Chenault tract as described in the Travis County Deed Records Book, Volume 666, page 135, said point being 30 feet northerly from the southwest corner of the above described Chenault tract;

THENCE N. 60°W. across said Wendlandt property to a point of intersection with the west line of said Wendlandt tract.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on November 2, 1951, bids were received by the City of Austin for the construction of a concrete retaining wall, steps and driveway on the north side of West 16th Street at West Avenue; such bids being as follows:

| | |
|-----------------|-----------|
| John R. Andrews | \$ 724.45 |
| Joe Fuhrman | 764.15 |
| Maufrais Bros. | 907.05 |

and

WHEREAS, the bid of John R. Andrews in the sum of \$724.45 was the lowest and best bid, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin and by the City Manager; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the bid of John R. Andrews be and the same is hereby accepted, and W. E. Seaholm, City Manager, is authorized and directed to execute a contract with John R. Andrews for the construction of a concrete retaining wall, steps and driveway on the basis of his bid of \$724.45.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Lawless and Alford are the Contractors for the alteration of a building located at 104 West 7th Street and desires a portion of the alley space abutting Lots 11 and 12, Block 83, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of material therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Lawless and Alford, the boundary of which is described as follows:

Alley Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Bradford Alley 10 feet to a point; thence in a southerly direction and parallel with the centerline of Bradford Alley approximately 40 feet to a point; thence in a westerly direction and at right angles to the centerline of Bradford Alley to the east line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Lawless and Alford, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor will construct in the alley a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than December 1, 1951.

(6). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8). That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, Cityforces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Carl Quick is the Contractor for the alteration of a building located at 618 Congress Avenue and desires a portion of the sidewalk and street space abutting the north part of Lot 5, Block 70, in the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Carl Quick, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue 4 feet; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 20 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Carl Quick, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being

delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces for the delivery of removal of materials during construction work.

(2). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than December 15, 1951.

(6). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7). That the uses and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(a) OF ARTICLE III AND SECTION 12(b) OF ARTICLE III, RELATING TO TRAFFIC SIGNAL LIGHTS AND STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT CERTAIN PORTION OF ST. JOHN'S AVENUE FROM THE EAST LINE OF KENDALL AVENUE EASTERLY 359.72 FEET TO THE SOUTHERLY PROLONGATION OF THE EAST LINE OF THE JEFFERSON CHEMICAL COMPANY TRACT OF LAND, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND RETAINING EASEMENTS FOR ALL UTILITIES IN THE CITY OF AUSTIN; AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman MacCorkle moved that the ordinance be passed to its second reading. The motion, seconded, by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that it is necessary to straighten and deepen the existing channel of Boggy Creek in order to confine the flow of water therein and to eliminate continuation of the flooding which has frequently occurred in the past; and

WHEREAS, a part of said creek, as the same now exists and as it will be realigned, traverses the land hereinafter described; and

WHEREAS, it appears that the City of Austin, through its duly authorized representatives, has negotiated with the owner of said land and has failed to agree with said owner on the market value of an easement across said land; and

WHEREAS, the City Council now finds that it is necessary for the City of Austin to acquire said easement through the exercise of the power of eminent domain; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all the owners and lienholders, a suit in eminent domain to acquire an easement for an open drainage ditch in, on, and across the following described property, to wit:

0.29 of one acre of land, same being out of and a part of that certain tract of land out of Outlot 28, Division B of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to Mrs. Bertha Ulit by warranty deed dated June 1, 1934, of record in Volume 503 at pages 461-471 of the Deed Records of Travis County, Texas, and is described as "5th Tract" in said deed; which 0.29 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at a point on the north line of the said Ulit tract as evidenced by the remains of an old fence, same being the south line of a tract of land conveyed to Walter Watson, et ux, by warranty deed of record in Volume 965 at page 165 of the Deed Records of Travis County, Texas; and from which point of beginning the northeast corner of the said Ulit tract bears N. 82° 04' E. 106.71 feet;

THENCE S. 8° 52'E. 210.68 feet to a point on the south line of the said Ulit tract, same being the north line of a tract of land conveyed to H. J. Gipson, et ux, by warranty deed of record in Volume 756 at page 436 of the Deed Records of Travis County, Texas;

THENCE with the south line of the said Ulit tract, S. 81° 27'W. 60.00 feet to a point;

THENCE N. 8° 52'W. 211.32 feet to a point on the north line of the said Ulit tract;

THENCE with the north line of the said Ulit tract, N. 82° 04'E. 60.01 feet to the point of beginning.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving lien on Lot 8, Wendlandt's Subdivision, in the City of Austin, in consideration of the full payment of such paving assessment against such property by Myrtle M. Sassman, the apparent owner.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

There being no further business, the Council adjourned at 7:00 P.M., November 9, 1951.

APPROVED: W. S. Drake

Mayor

ATTEST:

Elvin Hooley
City Clerk